

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

Case No. 11-10403

GREGG M S BERGER, et al.,

Defendants.

**ORDER GRANTING EX PARTE MOTION FOR ALTERNATIVE SERVICE
AND FOR ADDITIONAL TIME TO SERVE**

On June 1, 2011, Plaintiff Securities Exchange Commission ("SEC") filed an ex parte motion for alternative service of Defendant XiaoQing Du and for additional time to serve Defendant. The court granted additional time in its order of June 17, 2011, but directed the SEC to file a supplemental exhibit showing an example of a similar notice *in situ* within a newspaper. On June 24, 2011, the SEC filed a supplemental exhibit as directed. However, the court remains concerned about the ability of the proposed means of alternative service to give the requisite notice to Defendant. Specifically, the court notes the contrast between the prominence of the name in the exemplar and prominence of the section headings. Therefore, the court will grant the pending motion with the direction that the name of Defendant be offset and sized similarly to the formatting of "NEW YORK OFFICE SPACE NOW" in the column adjacent to the legal notice in the submitted exemplar. (See Pl. Resp. Ex. A.) With that modification, the court is convinced that service by the alternative method proposed will afford adequate notice to Defendant. Accordingly,

IT IS ORDERED that the ex parte motion for alternative service and for additional time to serve [Dkt. # 21] is GRANTED. Plaintiff is directed to serve Defendant consistent with the motion and this order.

IT IS FURTHER ORDERED that the time for service is extended until **August 31, 2011**.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 29, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 29, 2011, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522